

Extra Info
Bos Meeting
10-12-07
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John Murray

From: Stephen Anderson
Sent: Thursday, October 11, 2007 1:08 PM
To: John Murray
Subject: Acton/GenFire: Options for BOS Meeting as to Revised Report on Proposed Fire Station

Hi John:

For the Board of Selectmen ("BOS") meeting tonight, I understand that there is an agenda item to discuss the proposed Fire Station, which would include a discussion of the revised "Space Needs Assessment" dated "revised October 5, 2007." This revised report followed from the open meeting of the Fire EMS Station Steering Committee ("SC") on October 2, 2007. You have asked for a list of the BOS' main options with respect to the revised report given the following:

- After receiving the revised report on October 5, 2007, Chairman Hunter emailed the revised report to the SC on Fri 10/5/2007 at 5:20 PM.
- In an email of Wed 10/10/2007 at 9:24 AM, Mr. Kadlec (a member of the SC who was present at the 10/2/07 open meeting) has alleged that Chairman Hunter's email violated the Open Meeting Law.
- Mr. Kadlec has not alleged that the revised report inaccurately reflects the results of the SC's open meeting on October 2, 2007. Rather, his email of Wednesday, October 03, 2007 10:26 AM appears to confirm that reductions in the proposed building program were discussed at the SC's open meeting on October 2, 2007.

In these circumstances, the BOS has the main following options:

- Since the Fire-EMT Advisory Task Group is an advisory committee to the BOS, and since the BOS is by the Town's Charter the "chief goal -setting, planning and policy-making agency of the town" (Charter § 4-1 (b)), the BOS can itself consider the revised report at its open meeting this evening, determine whether the revised report reflects a reasonable program for the proposed fire station to present to the State of the Town Meeting, and if so instruct the Temporary Town Manager to cause the architect to prepare a new floor layout plan for inclusion in the State of the Town booklet which will be sent out to the citizens.

OR

- Without in any way acknowledging that Mr. Kadlec's allegations of an Open Meeting Law violation have any merit, but to eliminate the distraction such allegations could cause with respect to public debate over the proposed fire station, the Board could instruct Mr. Hunter to convene an emergency meeting of the SC to review the revised report and verify that it accurately reflects the SC's recommendations based on the results of the SC's open meeting on October 2, 2007. If the BOS follows this course, the BOS should also either:
 - Vote tonight to instruct the Temporary Town Manager to cause the architect to prepare a new floor layout plan consistent with the revised report for inclusion in the State of the Town booklet on the condition that the SC verifies as a result of the emergency meeting that the revised report accurately reflects its recommendations; or
 - Hold an emergency meeting of the BOS following the emergency meeting of the SC to receive the results of the SC's emergency meeting and to act accordingly.

Steve

Stephen D. Anderson

10/11/2007